IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

AS.No. 243 of 1995()

OS.57/1993 of SUB COURT,KATTAPPANA

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APPELLANTS/PLAINTIFFS:

(o)1. N.RAMACHANDRAN, S/O.NEELAKANTA IYER, MANKOMBU KIZHAKKEMADATHIL, KOTTABHAGAM, KUTTANADU TALUK, RESIDING AT 29, BOAG ROAD, T. NAGAR, MADRAS 29 (DIED)

(*)2. R.SARATCHANDRAN,S/O.N.RAMACHANDRAN, MANKOMBUY KIZHAKKEMADATHIL, -DO- -DO- (RECORDED AS LRS OF FIRST APPELLANT)

ADDL.3RD APPELLANT:

SMT. RADHAMANI SUBRAMANIAM, D/O.N.RAMACHANDRAN, MANKOMBU, KIZHAKKEMADATHIL, KOTTABHAGAM, PULIMKUNNU, KUTTANADU TALUK, RESIDING AT 29, BOAG ROAD, T.NAGAR, CHENNAI.

(o)(*)THE SECOND APPELLANT IS RECORDED AS ONE OF THE LEGAL HEIRS OF THE DECEASED FIRST APPELLANT AND THE ADDITIONAL PARTY SOUGHT TO BE IMPLEADED IS IMPLEADED AS ADDITIONAL THIRD APPELLANT AS PER ORDER DATED 9.1.2006 IN CMP NO.1719/06.

BY ADV. SRI.A.M.SHAFFIQUE

RESPONDENT/DEFENDANT:

VARGHESE, SON OF KURIAKOSE, MAMMOOLLIL HOUSE, KANJIRAPPALLY KARA, KANJIRAPPALLY TALUK.

BY ADV. SRI.V.G.ARUN

THIS APPEAL SUITS HAVING BEEN FINALLY HEARD ON 14/09/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

A.S.No.243 of 1995

Dated, this the 14th day of September, 2007

JUDGMENT

When the appeal is taken up for hearing counsel appearing for both sides submitted that the matter is settled out of court. Parties have filed a petition under Section 151 and Order XXIII Rule 1 of CPC to record the compromise. Both parties have agreed that the appeal may be dismissed as withdrawn. The respondent has agreed to forgo his claim for costs awarded by the Sub Court, Kattappana in O.S.No.57/1993. It is also agreed that one half of the court fee paid in the Appeal Memorandum can be refunded to the appellants.

In the result, appeal is disposed of in terms of compromise. The terms of compromise will form part of the decree. One half of the court fee paid shall be refunded to the appellants.

K. PADMANABHAN NAIR,
JUDGE.

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K.PADMANABHAN NAIR, J.

A.S.No.243 of 1995

JUDGMENT

14th September, 2007.